

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DIAMOND "D" CONSTRUCTION CORP.

Plaintiff

00-CV-335C(F)

v.

NEW YORK STATE DEPARTMENT OF LABOR,
BUREAU OF PUBLIC WORKS, et al.,

ORDER

Defendants

HENRY W. KILLEEN, III
KILLEEN & KILLEEN,

Plaintiffs

03-CV-0377C(F)

v.

JOSEPH DiPIZIO,

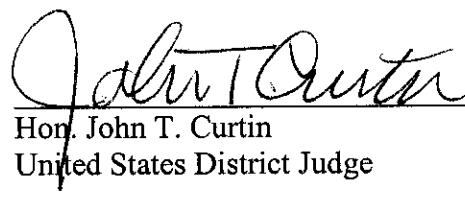
Defendant.

Upon the October 24, 2005 application of Diamond "D" Construction Corp. and Joseph DiPizio (hereinafter collectively referred to as "Diamond "D""") for an order staying all proceedings to execute or enforce the Judgment entered in these actions on October 17, 2005 in favor of Henry W. Killeen, III and Killeen & Killeen (hereinafter collectively referred to as "Killeen") (the "Judgment") pending disposition of Diamond "D's" appeal of the Judgment pursuant to Fed. R. Civ. P. 62(f), upon its deposit into the Court of \$69,042.70, the full amount of the Judgment, pursuant to Fed. R. Civ. P. 67, and it appearing to the Court that Diamond "D" is entitled to a stay upon the deposit of the aforesaid funds, it is

ORDERED that Diamond "D's" application is granted and all proceedings to execute or enforce the Judgment are stayed pending disposition of Diamond "D's" appeal to the United States Court of Appeals for the Second Circuit, provided that Diamond "D" deposit with the Court \$69,042.70 on or before October 27, 2005, and it is therefore further

ORDERED that Diamond "D's" application for leave to deposit the aforesaid funds with this Court is granted, and that those funds will be deposited in an interest-bearing account approved by the Court.

DATED: October 26, 2005


Hon. John T. Curtin
United States District Judge